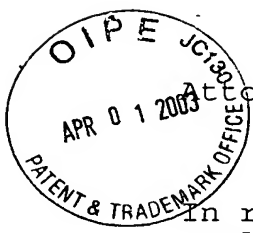


1762



Attorney's Docket No. 034691/243030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re: Arnold
Appl. No.: 10/089,635
Filed: July 9, 2002
For: PRODUCTION OF A DIELECTRIC MULTI-LAYERED
REFLECTING COATING

Confirmation No.: 3081
Group Art: 1762

#7/VAE
5/30/03

March 25, 2003

Commissioner for Patents
Washington, DC 20231

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APR 20
TC 1700

SUBMITTAL OF TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT

Sir:

For the information of the Examiner, enclosed is a copy of the English translation of the International Preliminary Examination Report as prepared by the International Bureau.

Respectfully submitted,

Charles B. Elderkin
Registration No. 24,357

Customer No. 000826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
#4583679v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on March 25, 2003.

Joyce D. Smith

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT RECEIVED

(PCT Article 36 and Rule 70)

APR 2 2003

Translation

Applicant's or agent's file reference 4482/L/003	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE00/00913	International filing date (day/month/year) 24 March 2000 (24.03.00)	Priority date (day/month/year) 29 September 1999 (29.09.99)
International Patent Classification (IPC) or national classification and IPC G02B 5/08		
Applicant IP2H AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 September 2000 (08.09.00)	Date of completion of this report 22 February 2001 (22.02.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE00/00913

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-11, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-21, filed with the letter of 24 January 2001 (24.01.2001)
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 22-24
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

Form PCT/IPEA/409 (Box I) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
 PCT/DE 00/00913

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-21	YES
	Claims		NO
Inventive step (IS)	Claims	1-21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

2. Citations and explanations

1. WO-A-94/10589 is considered the prior art closest to the subject matter of Claim 1. That document discloses a method of producing a dielectric multilayered reflective coating (see abstract), the method involving the following steps:

- preparing at least two dielectric layers of predetermined thickness, and arranging the layers one above the other to form a layered stack (see Figure 1 and page 14, lines 4 to 10); and
- reducing the thickness of the layered stack and hence the thickness of the individual layers by deforming the layered stack whilst retaining the mutual layer thickness ratios (see page 9, lines 24 to 34, and page 10, lines 20 to 38; see also page 4, lines 19 to 38, and page 8, lines 17 to 23); the layered stack, before deformation, being arranged between two carrier layers (page 14, lines 11 to 20) and at least one carrier layer being formed from a plurality of individual layers (page 11, lines 18 and 19, and page 19, lines 30 and 31).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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The subject matter of Claim 1 differs from this prior art in that the individual layers of the carrier layer are gradually arranged on or melted onto a preceding individual layer, in each case following a partial deformation process.

None of the prior art documents suggests anything leading to these features, by means of which the total sandwich block consisting of dielectric layers and carrier layers is built up successively, the handling of the sandwich block during the partial deformation processes being simplified; see page 10 of the description, first and second paragraphs and table.

Therefore the subject matter of Claim 1 meets the requirements of PCT Article 33(1).

2. Dependent Claims 2 to 21 concern advantageous configurations of the method as per Claim 1 and also meet the requirements of PCT Article 33(1).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description did not cite WO-A-94/10589 and it did not briefly outline the relevant prior art contained therein.
2. Contrary to the requirements of PCT Rule 5.1(a)(iii), the description has not been brought into line with the claims.